

SENATE RECORD VOTE ANALYSIS

106th Congress
1st Session

Vote No. 319

October 7, 1999, 2:19 p.m.
Page S-12175 Temp. Record

LABOR-HHS-EDUCATION APPROPRIATIONS/Ergonomic Mandate Moratorium

SUBJECT: Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Bill for fiscal year 2000 . . . S. 1650. Specter motion to table the Bond amendment No. 1825.

ACTION: MOTION TO TABLE FAILED, 2-97

SYNOPSIS: As reported, S. 1650, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Bill for fiscal year 2000, will provide \$324.2 billion in new budget authority, which is \$22.531 billion more than provided in fiscal year (FY) 1999 and is \$911.0 million less than requested. This amount includes advance discretionary and mandatory appropriations and \$9.902 billion in spending from trust funds. Budget authority for fiscal year 2000 discretionary spending will total \$84.018 billion.

The Bond amendment would prohibit using funds from this Act to promulgate or to issue, or to continue the rulemaking process of promulgating or issuing, any standard or regulation regarding workplace ergonomics before September 30, 2000. (The Occupational Safety and Health Administration (OSHA) has been developing ergonomic standards and regulations. "Ergonomics" is the applied science of designing workplaces and equipment to increase worker productivity by decreasing worker fatigue and discomfort. In this context, the standards under consideration are intended to prevent workplace fatigue and discomfort that leads to illness or injury. The National Academy of Sciences (NAS) has been tasked with conducting research to determine a rational basis for any ergonomic standards that may be imposed. That research is scheduled to be completed on September 30, 2000.)

During debate, Senator Specter moved to table the amendment. The motion to table was made in an effort to expedite consideration of the bill. Republicans who favored the amendment voted against the motion to table; Republicans who opposed the amendment voted in favor of the motion to table; Democrats voted against the motion to table in order to extend debate.

NOTE: After the motion to table failed, Senator Bond withdrew the amendment in order to avoid a Democratic filibuster and to expedite the consideration of the underlying bill.

No arguments were expressed in favor of the motion to table.

(See other side)

YEAS (2)		NAYS (97)				NOT VOTING (1)	
Republicans (2 or 4%)	Democrats (0 or 0%)	Republicans (53 or 96%)		Democrats (44 or 100%)		Republicans (0)	Democrats (1)
Jeffords		Abraham	Helms	Akaka	Kennedy		Dodd- ⁴
Specter		Allard	Hutchinson	Baucus	Kerrey		
		Ashcroft	Hutchison	Bayh	Kerry		
		Bennett	Inhofe	Biden	Kohl		
		Bond	Kyl	Bingaman	Landrieu		
		Brownback	Lott	Boxer	Lautenberg		
		Bunning	Lugar	Breaux	Leahy		
		Burns	Mack	Bryan	Levin		
		Campbell	McCain	Byrd	Lieberman		
		Chafee	McConnell	Cleland	Lincoln		
		Cochran	Murkowski	Conrad	Mikulski		
		Collins	Nickles	Daschle	Moynihan		
		Coverdell	Roberts	Dorgan	Murray		
		Craig	Roth	Durbin	Reed		
		Crapo	Santorum	Edwards	Reid		
		DeWine	Sessions	Feingold	Robb		
		Domenici	Shelby	Feinstein	Rockefeller		
		Enzi	Smith, Bob (I)	Graham	Sarbanes		
		Fitzgerald	Smith, Gordon	Harkin	Schumer		
		Frist	Snowe	Hollings	Torricelli		
		Gorton	Stevens	Inouye	Wellstone		
		Gramm	Thomas	Johnson	Wyden		
		Grams	Thompson				
		Grassley	Thurmond				
		Gregg	Voinovich				
		Hagel	Wamer				
		Hatch					

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Those opposing the motion to table contended:

OSHA should not be permitted to promulgate hasty ergonomic regulations before the previously commissioned research by the National Academy of Sciences (NAS) is completed. The reasons for delaying such premature regulations are many: we do not yet have adequate scientific or medical research to support imposing such regulations; the particular regulations that OSHA favors imposing now are burdensome and confusing; we do not have accurate estimates of the costs that would be imposed; we do not know the benefits, if any, that employees would get from the proposed regulations; and the major reason that an effort is being made to act before the NAS completes its research is political--Democrats are pushing for these regulations to please unions.

First, we do not have scientific and medical research that is nearly adequate enough to support any regulations OSHA might impose. The NAS has been commissioned to research the issue and report back with its studies so that OSHA can make an informed decision. Both the Congressional Research Service (CRS) and the National Institute for Occupational Safety and Health (NIOSH) have stated that ergonomics is an issue that is extremely complex and about which very little is actually known. Regulations imposed in ignorance could well demand extensive workplace changes that were completely unnecessary to protect workers' health.

Second, OSHA's proposed regulations are burdensome and confusing, and they reflect the belief that the Government knows more than businesses on how to provide safe work environments and that it cares more than businesses about providing such environments. Proponents of far-reaching OSHA regulations think that employers care nothing about their employees, that they see them as mere drones. Nothing could be further from the truth. People, when they become employers, do not lose their souls any more than they do when they become Senators or Federal regulators. All goodness does not emanate from the Government. Even if OSHA's and our colleagues' cartoon view of employers' black hearts were accurate, it still would not be rational to believe that employers wanted workplaces with poor ergonomic design, because that would lower productivity and would lead to the loss of good employees. Good ergonomic conditions are desired by all employers, good or bad--all businesses need is guidance. Unfortunately, due to OSHA's arrogant belief in its own ability and benevolence, and due to its offensive belief that employers want to hurt their employees, the proposed ergonomic regulations take a one-size-fits all approach of page after page of mandates.

Third, we must consider the cost of these new regulations to businesses and their employees. Currently, we have no accurate cost figures. A current Small Business Administration (SBA) report concludes that the cost of the OSHA ergonomics standard to all businesses could be 15 times what OSHA estimates. The SBA also estimated that the compliance cost for small businesses could be 10 times greater than the cost for large businesses. These higher costs, if imposed, would lead to layoffs and higher prices.

Fourth, we do not have any accurate estimate of the benefits that would come from the proposed regulations. The SBA has said that OSHA may be significantly overstating the injuries that would be prevented. The prevention of injuries is an elusive concept. Cause and effect are not always clear. For instance, if a worker has a sore back, is it from sitting on a chair at work that is not comfortable enough or is it from playing basketball on the weekend? If it is difficult to determine the cause of an injury, it is difficult to prevent it. OSHA solves this problem in its proposed regulation by assuming that injuries and illnesses must be work-related, and employers must therefore give employees time off for assumed work-related ergonomic injuries, provide for treatment that is not proven to help, and create preventative measures with unestablished effectiveness.

Fifth, our Democratic colleagues are playing politics with this issue in order to please labor unions. Unions like the proposed regulations and do not want to wait for any study from the NAS that might point out just how flawed they are. Though the plan worked out in Congress was to wait for the NAS study, our Democratic colleagues quickly abandoned that commitment at the bidding of the unions. They are now filibustering this amendment. They are willing to kill this appropriations bill, which includes funding for Social Security and Medicare, in order to please unions.

We have had enough of our colleagues' game-playing. We oppose this motion to table, but our Democratic colleagues would dearly love to defeat this amendment. They ought to show enough courage to take that position publicly by voting to table the amendment instead of voting against the motion and then continuing their filibuster of this vitally important bill.

While opposing the motion to table, some Senators expressed the following reservations:

We oppose this amendment but will vote against tabling because the issue it addresses is so important it should be discussed at length. This amendment reflects the purely partisan attitude of our Republican colleagues. They are willing to ignore the research that has been done in the field of ergonomics in order to put the welfare of their political supporters in the business community ahead of the welfare of employees. Numerous studies of workplace ergonomics already have been conducted. Those studies have proven that poor workplace conditions lead to the development of musculoskeletal disorders (MSDs). Further, those studies have given us the information we need to make workplaces safer so that MSDs will not develop. Based on those studies, OSHA has developed new ergonomic standards for workplaces. However, the proponents of this amendment say that OSHA should not be allowed to protect America's workers with those standards because the NAS has not finished its ergonomic research. In response, the NAS study is merely a review of other studies that have already been done. Therefore, all that would be accomplished by waiting for the NAS to finish its work is delay. During that delay, workers would continue to get hurt due to unsafe workplace conditions. Businesses do not want to have to pay to create safe workplaces, and their Republican friends in the Senate have helped them by offering this amendment. We put worker safety ahead of business profits, so we oppose this amendment.